
IN THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES R. DOWNWARD,

Defendant.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:10cr577

District Judge Clark Waddoups

Magistrate Judge Paul M. Warner

This matter was referred to Magistrate Judge Paul M. Warner by District Judge Clark Waddoups pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is Benjamin McMurray's motion to withdraw as counsel for James R. Downward ("Defendant").²

On January 27, 2011, Darin B. Goff and Bret W. Rawson each filed an appearance for Defendant.³ Civil rule 83-1.4(c)⁴ of the United States District Court for the District of Utah Rules of Practice provides that

¹ See docket no. 33.

² See docket no. 49.

³ See docket nos. 44 and 45.

⁴ Pursuant to criminal rule 57-12 of the United States District Court for the District of Utah Rules of Practice, "[a]ll procedural matters relating to attorney admissions, registration, and appearance and withdrawal, discipline and removal, and student practice in criminal matters are governed by the applicable civil rules." DUCrimR 57-12.

[w]henever an attorney of record in a pending case will be replaced by another attorney who is an active member of this court, a notice of substitution of counsel must be filed . . . [and] (i) signed by both attorneys; (ii) include the attorneys' bar numbers; (iii) identify the parties represented; (iv) be served on all parties; and, (v) verify that the attorney entering the case is aware of and will comply with all pending deadlines in the matter.

DUCivR 83-1.4(c). Thus, the court will treat the instant motion together with the notices of appearance as a notice of substitution of counsel under rule 83-1.4(c). Accordingly, **IT IS HEREBY ORDERED** that the motion is **GRANTED** and Darin B. Goff and Bret W. Rawson are substituted as counsel of record for Defendant in place of Benjamin McMurray.

IT IS SO ORDERED.

DATED this 31st day of January, 2011.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", written in black ink.

PAUL M. WARNER
United States Magistrate Judge